

**Minutes
City Council/Redevelopment Agency
City of Huntington Beach**

Monday, November 18, 2002
5:00 P.M. - Room B-8
7:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

An audiotape of the 5:00 p.m. portion of this meeting
and a videotape of the 7:00 p.m. portion of this meeting
are on file in the Office of the City Clerk.

Call to Order

Mayor Cook called the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 5:05 p.m. in Room B8.

City Council/Redevelopment Agency Meeting Roll Call

Present: Green, Dettloff, Boardman, Cook, Houchen, Winchell, Bauer, (Green arrived at 5:06 p.m.)
Absent: None

**(City Council) Annual Joint Study Session Held between the City Council and the
Investment Advisory Board for Fiscal Year 2001/02 (310.10)**

Investment Advisory Board Roll Call

Present Richard Ganulin (Chair), Paul Arms (arrived at 5:08 p.m.), Warren Hall, Bob
Turicchi, Robert Winchell
Absent Joe Foye, Bob Glass

Deputy City Treasurer Jim Slobojan was also in attendance.

A communication was included in the agenda packet from the City Treasurer's Office titled *City of Huntington Beach Investment Advisory Board (IAB) Annual Report to the City Council for the Period October 1, 2001 to September 30, 2002*.

City Treasurer Shari Freidenrich thanked the Investment Advisory Board (IAB) members for the tremendous amount of work they accomplish.

The Investment Advisory Board (IAB) provided its annual update to the City Council regarding activities for Fiscal Year 2001/02. Each of the IAB members introduced themselves, provided their credentials to Council, and thanked Council for the opportunity to serve on this Board.

IAB Chair Richard Ganulin and City Treasurer Shari Freidenrich presented a PowerPoint slide show titled *Joint Study Session – IAB/City Council* that was included in the agenda packet.

City Treasurer Freidenrich informed Council that her presentation would cover material prepared by Board Member Joe Foye who was unable to attend.

City Treasurer Freidenrich stated that the main focus is liquidity. She reported on Slide No. 8, stating the effects that September 11 had on the economy as accounting for lower rates.

City Treasurer Freidenrich responded to Council questions regarding: 1) commercial paper; 2) credit rating; 3) triple-rated companies; and 4) forecasting.

Councilmember Dettloff stated that the faith and security felt by the city is a tribute to both the City Treasurer and the IAB.

Councilmember Green thanked the presenters and inquired if there is any opportunity for low interest rates.

The City Treasurer responded that the next six months would stay low and spoke relative to cash management and collection as playing important roles. She stated that the city remains conservative in its outlook.

Councilmembers thanked staff and the IAB members for their hard work concerning the matters pertaining to all of the City's investments.

Further discussion ensued between the Councilmembers, City Treasurer Freidenrich and IAB Chair Ganulin regarding the city's bank service fee reductions and the new billing system with a direct payment option.

Councilmember Green requested a time line for the new computerized system, to which City Treasurer Freidenrich provided status regarding electronic links that would save manual time.

Chair Ganulin added that the efficient delivery system would basically place the city as "tellers" which would be a tremendous time and cash flow savings.

Mayor Cook thanked the speakers for their presentations.

Motion to Recess to Closed Session – Approved

A motion was made by Houchen, second Boardman to recess to Closed Session on the following items. The motion carried by the following roll call vote:

AYES: Green, Dettloff, Boardman, Cook, Houchen, Winchell, Bauer
NOES: None
ABSENT: None

(City Council) Closed Session – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **Anthony Matteson v. City of Huntington Beach, et al.**; USDC Case No. SACV-98-563 AHS (Eex). Subject: **Matteson v. City of Huntington Beach.** (120.80)

(City Council) Closed Session – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **John Butler v. City of Huntington Beach, et al.**; Orange County Superior Court Case No. 02CC01270. Subject: **Butler v. City of Huntington Beach, et al.** ((120.80)

(City Council) Closed Session – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **Joseph Mohnney v. City of Huntington Beach**, WCAB Case No. ANA 0358706, Claim No. COHB-01-0146 CT. Subject: **Mohnney v. City of Huntington Beach**. (120.80)

(City Council) Closed Session – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **Jason N. Anderson v. City of Huntington Beach, et al.**; Orange County Superior Court Case No. 02CC02616. Subject: **Anderson v. City of Huntington Beach, et al.** (120.80)

(City Council) Closed Session – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **Charles Nowotny v. Johnson, City of Huntington Beach, et al.**; U.S. District Court Case No. CV 99-13098-FMC. Subject: **Charles Nowotny v. Johnson, City of Huntington Beach, et al.** (120.80)

(City Council) Closed Session – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **Citizens Against Redevelopment Excess v. City of Huntington Beach** [CARES 11]; Orange County Superior Court Case No. 00CC14550; California Court of Appeal, Fourth Appellate District, Division Three, Case No. G030388. Subject: **Citizens Against Redevelopment Excess v. City of Huntington Beach**. (120.80)

(City Council) Closed Session – Pursuant to Government Code Section 54957.6 to meet with its designated representatives, Agency Negotiators: William Workman, Assistant City Administrator; Clay Martin, Director of Administrative Services; Jim Engle, Acting Director of Community Services; and Steven M. Berliner, Esq. of Liebert Cassidy Whitmore regarding **labor relations matters – meet and confer** with the following employee organizations: **PMA, POA, MSOA, FMA, FFA, HBMEA, HBMEQ, and SCLEA**. Subject: **Labor Relations – Meet and Confer**. (120.80)

Reconvened City Council/Redevelopment Agency Meeting – 7:00 P.M. – Council Chambers.

City Council/Redevelopment Agency Roll Call

Present: Green, Dettloff, Boardman, Cook, Houchen, Winchell, Bauer
Absent: None

No Actions Taken Which Require a Reporting Pursuant to Government Code §54957.1(a) (3) (B)).

Mayor Cook asked City Attorney Hutton if there were any actions taken by the City Council or Redevelopment Agency in Closed Session that required a reporting. City Attorney Gail Hutton responded that there were no actions to report.

Flag Ceremony/Pledge of Allegiance – Jim Zack, Scoutmaster; Mike Keeley, Assistant Scout Master; Ryan Keeley, Patrol Leader; Huntington Beach Boy Scout Troop 1226.

The Assistant City Clerk Announced Late Communications

Pursuant to the Brown (Open Meetings) Act, Assistant City Clerk Liz Ehring announced Late Communications regarding agenda items that had been received by her office following distribution of the agenda packet:

Communication received November 18, 2002 from Janet Huston, Executive Director, Orange County Division, League of California Cities, transmitting opposition to information contained in agenda packet regarding the Division Executive Steering Committee.

Slide show presentation received November 18, 2002 from the Planning Department titled *ZMA No. 02-02, LCPA No. 02-03 (General Plan Consistency)*.

Communication dated November 15, 2002 from John Sisker expressing concern regarding the city's maintenance of the existing percentage of affordable housing.

Communication received November 16, 2002 from John Sisker expressing that the city should require an Environmental Impact Report and provide relocation assistance to residents.

Slide show presentation received November 18, 2002 from the Planning Department titled *Appeal of Zoning Text Amendment No. 01-03 (Mobilehome Park Conversions)*.

Slide show presentation received November 18, 2002 from the Planning Department titled *Use of Parking In-Lieu Fees, Downtown Parking Master Plan*.

Slide show presentation received November 18, 2002 from the Department of Public Works titled *City Council Meeting, November 18, 2002*, regarding Water Quality Element.

Communication received November 18, 2002 from Diane Lenning in opposition to *Prohibiting Performances of Wild and Exotic Animals for Public Entertainment or Amusement*.

Communication received November 18, 2002 from Bob Polkow expressing his opinion the ordinance *Prohibiting Performances of Wild and Exotic Animals for Public Entertainment or Amusement* should be modified to include horses.

Communication dated November 13, 2002 from James F. Peddie, D.V.M. and Linda R. Peddie, D.V.M. in opposition to the ordinance *Prohibiting Performances of Wild and Exotic Animals for Public Entertainment or Amusement*.

Communication dated November 16, 2002 from Doug Cress, Executive Director, Great Ape Project, in favor the adoption of the ordinance *Prohibiting Performances of Wild and Exotic Animals for Public Entertainment or Amusement*.

Communication dated November 18, 2002 from Orly Degani, Esq., Los Angeles Lawyers for Animals, in favor of the adoption of the ordinance *Prohibiting Performances of Wild and Exotic Animals for Public Entertainment or Amusement*.

Communication transmitted from the City Attorney's office from Jim Fitzpatrick titled *Amended language for Animal Ordinance* dated November 12, 2002 in opposition.

Slide show presentation received November 18, 2002 from the Community Services Department detailing *Zoning Text Amendment No. 02-05 - Adopt Emergency Interim Ordinance No. 3594 Amending Section 230.20 of the Huntington Beach Zoning and Subdivision Ordinance (ZSO) – Adopt Resolution No. 2002-121 Establishing Parkland and Recreation In-Lieu Fees (Including Fees Relating to Section 254.09 of the ZSO - Quimby Fee)*.

The Following Additional Late Communication Was Submitted During the Meeting:

Communication from Alison Stanley in favor of the exotic animal ordinance dated November 18, 2002 titled *Elephant kills keeper at Pittsburgh Zoo; facility closed today*.

Presentation by Mayor Debbie Cook to Cathy Fikes, Council Secretary; Kelly Shanley, Public Information Program Coordinator and Sgt. Gary Meza, Sergeant-at-Arms. Mayor Cook presented each with a pen to express her appreciation for their dedication and long hours of hard work. (160.40)

Public Comments

Marty Siminoff, League of California Cities 1st Vice President, spoke in opposition to the agenda item regarding the request for the Executive Steering Committee of the Orange County Division of the League of California Cities perform a financial audit of its records. Mr. Siminoff stated he submitted a letter that was drafted from the Executive Steering Committee to explain their procedure and requested Council to review this information prior to taking any action.

Councilmember Winchell inquired of Mr. Siminoff relative to the compilation of the report.

Public Comments Resumed

Elaine Keeley, *Ballet Etudes*, invited everyone to the Nutcracker Ballet during the upcoming holiday season. Two of the performers offered cookies and distributed event flyers to Council. Ms. Keeley announced the dates of the performances - December 7 & 8, 2002 - at the Huntington Beach High School Auditorium.

Norm Westwell presented a PowerPoint slide show in opposition to inappropriately placed campaign signs. Mr. Westwell also spoke in opposition to the proposed exotic animal ordinance.

Paul Horgan, speaking on behalf of the Bolsa Chica Land Trust, spoke in opposition and requested postponement of the agenda item regarding Resolution No. 2002-123 revising Local Coastal Program Amendment No. 96-4 (Parkside Residential Estates). Mr. Horgan stated it is his belief that this property consists of wetlands and that the proposed project is inconsistent with the coastal act.

James Fitzpatrick spoke on behalf of the Motion Picture Association in opposition to the proposed exotic animal ordinance. Mr. Fitzpatrick submitted a Late Communication titled *Amended Language for Animal Ordinance* requesting consideration of his suggestions if this ordinance is adopted including amending Section 7.14.050 regarding exemptions.

Karen Chepeka urged Council to adopt the exotic animal ordinance.

Jennifer Hile informed Council she is a filmmaker for National Geographic and urged Council to approve the exotic animal ordinance. Ms. Hile stated that she has seen the cruel and brutal "breaking-in" of elephants for domestic use.

Brian Jones urged Council to support the proposed exotic animal ordinance. Mr. Jones informed Council that he has worked as an elephant handler and has seen how the elephants are mistreated.

Jill Buckley, ASPCA (A Society for the Prevention of Cruelty to Animals) representative, asked Council to approve the proposed exotic animal ordinance. Ms. Buckley stated that it is her belief citizens should be protected from potential dangerous animals as well as protecting the animals' welfare.

Debbie Borden spoke in opposition to the absence of the Invocation from the agenda and offered a prayer.

Steve Stafford spoke in opposition to the treatment he alleged he receives from the Police Department. He informed Council that his civil rights are being violated.

Gregory Lee thanked Council regarding Council's attention to the Huntington Harbour item on the agenda at the last council meeting of November 6, 2002. Mr. Lee requested consideration of delaying the proposed boater's fee. He stated that in his opinion the administrative item regarding the Citywide Urban Runoff Management Plan (CURMP) would have an impact on the Huntington Harbour issue.

Allen McGee requested that his name be added to the Huntington Harbour meetings regarding the boater's fee study. Mr. McGee expressed his belief that the flood control channels are polluting the harbor.

Mayor Cook asked Mr. McGee to submit his name to be included in the upcoming meetings on the Huntington Harbour issue.

Public Comments Resumed

Leonard Crane spoke in opposition to his wife having received a citation due to not wearing her seat belt. Mr. Crane stated it is unnecessary to detain people in order to enforce a law that he believes is unsafe.

Alison Stanley, California Lobby for Animal Welfare, urged Council to support the exotic animal ordinance. Ms. Stanley presented a video to Council by KCAL 9 regarding the mistreatment of circus animals. She also submitted a Late Communication dated November 18, 2002 titled *Elephant kills keeper at Pittsburgh Zoo; facility closed today*.

(City Council) Approved as Amended Intergovernmental Relations Committee Recommendation - Requested the Executive Steering Committee of the Orange County League of California Cities to Begin to Perform a Financial Audit of its Records in 90 Days (640.90)

The City Council considered a communication from Councilmember Ralph Bauer transmitting the following **Statement of Issue**: It has come to the attention of the Intergovernmental Affairs Committee that the Executive Steering Committee of the Orange County Division of the League

of California Cities has never carried out a financial audit of its records. During the last year, the Executive Steering Committee has been requested to have an audit performed as required by the committee bylaws. These requests have not been honored.

Included in the agenda packet are previous letters requesting an audit, excerpts from the League bylaws and the Accounting Policies and Procedures Manual, and the budget document as submitted to and approved by the Executive Steering Committee of the League.

Councilmember Bauer spoke regarding his request for a financial audit of the Executive Steering Committee of the Orange County Division of the League of California Cities. He stated as of this date his requests have not been honored. Councilmember Bauer's concern is for the accountability of how the money received by the 34 constituent cities is being handled stating that the public has a right to know.

Councilmember Bauer received clarification from City Treasurer Shari Freidenrich regarding the definition of a compilation report.

City Attorney Gail Hutton clarified that a separate firm should perform the audit to preclude an internal conflict of interest.

Further discussion was held between Council and the League of California Cities, Orange County Division Executive Director Janet Huston regarding the steps taken to comply with this request.

A motion was made by Bauer, second Green to request the Executive Steering Committee of the Orange County Division of the League of California Cities perform a financial audit of their records and that the process begin within 30 days.

Prior to the roll call vote a motion was made by Winchell, second Boardman to **amend** the motion on the table by extending the process to begin within **90** days. The motion, **as amended**, carried by the following roll call vote:

AYES: Green, Dettloff, Boardman, Cook, Houchen, Bauer
NOES: Winchell
ABSENT: None

A motion was made by Green, second Bauer to have the Huntington Beach City Council withhold their Orange County Division dues of approximately \$24,000 until an audit is performed, which is deemed satisfactory by the Huntington Beach City Council. The motion **failed** by the following roll call vote:

AYES: Green, Dettloff, Bauer
NOES: Boardman, Cook, Houchen, Winchell
ABSENT: None

A motion was made by Green, second Bauer to request the audit be sent to all members of the League's Executive Steering Committee. The motion carried by the following roll call vote.

AYES: Green, Dettloff, Boardman, Cook, Houchen, Bauer
NOES: Winchell
ABSENT: None

Public Comments Resumed

Steve Gullage, HBMOA (Huntington Beach Mobilehome Owners Association) asked Council to delay the Planning Commission's recommended action regarding fair market value for the Mobilehome Park Conversion. He requested adoption of the ordinance to comply with the state code. Mr. Gullage requested to speak during the Public Comments and not the Public Hearing portion of the meeting.

(City Council) Adopted Resolution No. 2002-113 Declaring the *Cercis Occidentalis* (Western Redbud) as the Official Tree of the City of Huntington Beach Replacing the Lemon Bottlebrush as Recommended by the Beautification, Landscape and Tree Committee (130.30)

The City Council considered a communication from Mayor Debbie Cook, Mayor Pro Tem Connie Boardman and Councilmember Ralph Bauer, Members of the Beautification Landscape and Tree Committee informing Council that on April 6, 1964, the City Council passed a motion from the Huntington Beach Women's Division of the Chamber of Commerce to name the Lemon Bottlebrush the official tree of the City of Huntington Beach. This action apparently was never consummated with a formal resolution; thus, the Lemon Bottlebrush is currently the "unofficial" City tree.

In 1999, the Beautification, Landscape and Tree Committee (Committee) was formed to discuss issues related to the City's urban forest and landscaping. To preserve the authenticity of the City's urban forest, the Committee has recommended that the City formally adopt a tree native to California as the official City tree, and has selected the *Cercis Occidentalis*, more commonly known as the Western Redbud, due to its beauty, vitality, and ability to flourish in this climate.

The Western Redbud is indigenous to the region, is drought tolerant, and once established, requires little maintenance. The conditions present in our parkways will provide a suitable environment, while its deciduous nature will produce yellow and red colors in fall, magenta blooms in spring, and reddish-brown seedpods in winter.

The Council memo further sets forth that the Committee recognizes the value of trees and their ability to enrich the quality of life and the beauty of our community and, by adopting the Western Redbud as the City's official tree, it wishes to continue the preservation of the City of Huntington Beach's natural environment as well as its history.

A motion was made by Cook, second Boardman to adopt attached Resolution **No. 2002-113** - "*A Resolution of the City Council of the City of Huntington Beach Declaring *Cercis Occidentalis* (the Western Redbud) the Official City Tree.*" The motion carried by the following roll call vote:

AYES:	Green, Dettloff, Boardman, Cook, Houchen, Winchell, Bauer
NOES:	None
ABSENT:	None

(City Council) Public Hearing Opened and Continued Open from October 21, 2002 - Adopted Resolution No. 2002-93 Amending Resolution No. 5159 Establishing a Services Fee Schedule for the Vehicle Immobilizer "Boot" Under the Jurisdiction of the Police Traffic Bureau (340.20)

Mayor Cook announced that this was the time scheduled for a public hearing to consider adoption of a Resolution amending Resolution No. 5159 to establish a new fee for the booting or immobilization of vehicles towed for five or more unpaid parking citations.

Service Fee Schedule for the Vehicle Immobilizer "Boot" Under the Police Traffic Bureau. The fee of employing (that is, attaching and removing) the vehicle immobilizer "boot" by the Police Department shall be \$100.00. Be it further resolved that except as amended herein, the fees contained in Resolution No. 5159, as amended, shall remain in full force and effect.

Legal notice as provided to the City Clerk's Office by staff had been published and posted.

Police Chief Kenneth Small presented a PowerPoint slide report titled *Vehicle Immobilizer*, which is included in the agenda packet.

Mayor Cook declared the public hearing open.

Norm Westwell spoke in favor of adopting Resolution No. 2002-93 and congratulated Chief Small for a cost saving proposal.

As there were no persons present to speak further on the matter and there were no further protests filed, either written or oral, the Mayor declared the public hearing closed.

A motion was made by Houchen, second Bauer to adopt **Resolution No. 2002-93** – "A Resolution of the City Council of the City of Huntington Beach Amending Resolution No. 5159 entitled, 'A Resolution of the City Council of Huntington Beach Establishing a City Fee Schedule' Pertaining to Establishment of a Vehicle Immobilizer Fee (Supplemental Fee Resolution No. 90)." The motion carried by the following roll call vote:

AYES:	Green, Dettloff, Boardman, Cook, Houchen, Winchell, Bauer
NOES:	None
ABSENT:	None

(City Council) Administrative Public Hearing Opened and Continued Open from October 21, 2002 - Adopted as Amended (to Remove One Assessment and to Return to a Date Uncertain) Resolution No. 2002-96 – Approved Certification of Special Assessments for Delinquent Civil Fines for Municipal Code Violations (570.60)

Mayor Cook announced that this was the time scheduled for an administrative public hearing to consider a request for Council certification of recording Notices of Special Assessments against private property for the value of unpaid civil fines, plus interest and penalties, pursuant to Ordinance No. 3397 adopted by City Council on June 15, 1998.

An Administrative public hearing as required by the California Government Code Section 38377.5 for the purpose of certifying special assessments against properties where public nuisances have occurred.

Legal notice as provided to the City Clerk's Office by staff had been published and posted.

City Treasurer Shari Freidenrich reported that her department and City Attorney Hutton are recommending Council to Adopt Resolution No. 2002-96. This resolution would allow the city to levy against the properties that would incur penalties and would appear as an exception to the title on a title report at the time of transfer of the property. In addition, the fines will be reported to the County tax Assessor for inclusion on the property tax bills.

City Attorney Gail Hutton requested the assessment on property owned by Deborah Wiley be removed from the list to return at a date uncertain.

Mayor Cook declared the administrative public hearing open.

As there were no persons present to speak on the matter and there were no protests filed, either written or oral, the Mayor declared the public hearing closed.

A motion was made by Winchell, second Dettloff to adopt **as amended** by removing the assessment on property of Deborah Wiley to return to a date uncertain **Resolution No. 2002-96** entitled "*A Resolution of the City Council of the City of Huntington Beach Certifying Special Assessments for Recovery of Costs of Abatement of Nuisance.*" The motion carried by the following roll call vote:

AYES: Green, Dettloff, Boardman, Cook, Winchell, Bauer

NOES: None

ABSENT: (Houchen out of room)

(City Council) Public Hearing Held - Approved Zoning Map Amendment No. 02-02 and Local Coastal Program Amendment No. 02-03 (General Plan Consistency) to Rezone Four Subareas – Approved Introduction of Ordinance Nos. 3587, 3588, 3589 and 3590 – Adopted Resolution No. 2002-112 (450.20)

Mayor Cook announced that this was the time scheduled for a public hearing to consider the following:

Applicant: City of Huntington Beach, Planning Department

Request: To rezone four subareas of properties to make the zoning designations consistent with the current General Plan land use designations as follows:

Subarea A (First Christian Church): Rezone from RL and RL-O (Residential Low Density – Oil Production Overlay) to PS (Public-Semipublic). Location: 1207 Main Street (south of Adams, between 17th and Main)

Subarea B (Smith School): Rezone from RM (Residential Medium Density) to PS (Public-Semipublic). Location: 770 17th Street (east side, north of Palm)

Subarea C (AES Generating Station): Rezone from IG-O-CZ-FP2 (General Industrial – Oil Production Overlay – Coastal Zone Overlay – Floodplain Overlay) to PS-O-CZ-PF2 (Public-Semipublic – Oil Production Overlay – Coastal Zone Overlay – Floodplain Overlay). Location: 21730 Newland Street (east side, north of Pacific Coast Highway)

Subarea D (Edison Tanks): Rezone from IG-O-CZ-FP2 (General Industrial – Oil Production Overlay – Coastal Zone Overlay – Floodplain Overlay) to PS-O-CZ-FP2 (Public-Semipublic – Oil Production Overlay – Coastal Zone Overlay – Floodplain Overlay) and from IL-CZ-FP2 (Limited Industrial – Coastal Zone Overlay – Floodplain Overlay) to PS-CZ-FP2 (Public-Semipublic – Coastal Zone Overlay – Floodplain Overlay). Location: Northwest corner of Magnolia Street and Banning Avenue

Local Coastal Program Amendment (LCPA): To amend the City's Local Coastal Program in accordance with the Zoning Map Amendment (ZMA) for Subareas C and D and forward to the California Coastal Commission for certification.

Environmental Status: Notice is hereby given that item is covered under Final Environmental Impact Report No. 94-1. The Environmental Impact Report is on file at the city of Huntington Beach Planning Department, 2000 Main Street, and is available for public inspection and comment by contacting the Planning Department, or by telephoning (714) 536-5271.

Appealable Jurisdiction of Coastal Zone: Notice is hereby given that **Subareas C and D** of this item are located in appealable jurisdiction of the Coastal Zone and includes Local Program Amendment No. 02-03 filed on August 1, 2002, in conjunction with the above request. The LCPA will be forwarded to the California Commission if approved by the City Council.

Legal notice as provided to the City Clerk's Office by staff had been mailed, published and posted.

Planning Director Howard Zelefsky presented a PowerPoint slide report titled *ZMA No. 02-02, LCPA No. 02-03 (General Plan Consistency)* which had been announced earlier as a Late Communication by Assistant City Clerk Ehring.

Mayor Cook declared the public hearing open.

Subsequent to announcing that there are no public speakers, Assistant City Clerk Liz Ehring restated for the record the following Late Communication which pertain to this public hearing:

Slide show presentation received November 18, 2002 from the Planning Department titled *ZMA No. 02-02, LCPA No. 02-03 (General Plan Consistency)*.

As there were no persons present to speak on the matter and there were no protests filed, either written or oral, the Mayor declared the public hearing closed.

A motion was made by Green, second Dettloff to:

Approve Zoning Map Amendment No. 02-02 for Subareas A, B, C and D with Findings for Approval (Attachment No. 1*) – **(See immediately following item in this set of minutes);**

and

Approve by roll call vote, introduction of **Ordinance Nos. 3587, 3588, 3589 and 3590** after the City Clerk reads by titles:

Ordinance No. 3587 - *"An Ordinance of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance by Changing the Zoning Designation from RL (Residential Low density) and RL O (Residential Low Density -Oil Production Overlay) to PS (Public–Semipublic) on Real Property Located **South of Adams Avenue between 17th Street and Main Street** (Zoning Map Amendment No. 02-02, Subarea A);"*

and

Ordinance No. 3588 - *"An Ordinance of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance by Changing the Zoning Designation from RM (Residential Medium Density) to PS (Public–Semipublic) on Real Property Located on the **East Side of 17th Street, North of Palm Avenue** (Zoning Map Amendment No. 02-02, Subarea B);"*

and

Ordinance No. 3589 - *"An Ordinance of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance by Changing the Zoning Designation from IG-O-CZ-FP2 (General Industrial – Oil Production Overlay – Coastal Zone Overlay – Floodplain Overlay) to PS-O-CZ-FP2 (Public–Semipublic - Oil Production Overlay – Coastal Zone Overlay – Floodplain Overlay) on Real Property located on the **East Side of Newland Street, North of Pacific Coast Highway** (Zoning Map Amendment No. 02-02, Subarea C);"*

and

Ordinance No. 3590 - *"An Ordinance of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance by Changing the Zoning Designation from IG-O-CZ-FP2 (General Industrial – Oil Production Overlay – Coastal Zone Overlay - Floodplain Overlay) to PS-O-CZ-FP2 (Public–Semipublic – Oil Production Overlay – Coastal Zone Overlay – Floodplain Overlay) and from IL-CZ-FP2 ((Limited Industrial – Coastal Zone Overlay- Floodplain Overlay) to PS-O-CZ-FP2 (Public–Semipublic - Coastal Zone Overlay- Floodplain Overlay) on Real Property located on the **Northwest Corner of Magnolia Street and Banning Avenue** (Zoning Map Amendment No. 02-02, Subarea D);"*

and

Adopt Resolution No. 2002-112 - *"A Resolution of the City Council of the City of Huntington Beach Adopting Local Coastal Program Amendment No. 02-03 to amend the Local Coastal Program Implementing Ordinances to Reflect Zoning Map Amendment No. 02-02 for Subareas C (AES Generating Plant and D (Edison Tank Site)" and requesting certification by the California Coastal Commission (Attachment No.3.)*

The motion carried by the following roll call vote:

AYES:	Green, Dettloff, Boardman, Cook, Winchell, Bauer
NOES:	None
ABSENT:	(Houchen out of room)

ATTACHMENT NO. 1***FINDINGS FOR APPROVAL - ZONING MAP AMENDMENT NO. 02-02:**

1. Zoning Map Amendment No. 02-02 to change the zoning on the following properties:
 - a. \pm 7.3 acre First Christian Church campus from RL and RL-O (Residential Low Density – Oil Production Overlay) to PS (Public-Semipublic) to conform to the existing General Plan designation of designation of P(RL-7) (Public with underlying designation of Residential Low Density);
 - b. \pm 0.75 acre parcel at the Smith Elementary School from RM (Residential Medium Density) to PS (Public-Semipublic) to conform to the existing General Plan designation of P(RL-7) (Public with underlying designation of Residential Low Density) and to match the zoning of the remainder of the school;
 - c. \pm 50 acre AES Generating Station from IG-O-CZ-FP2 (General Industrial – Oil Production Overlay – Coastal Zone Overlay – Floodplain Overlay) to PS-O-CZ-FP2 (Public-Semipublic – Oil Production Overlay – Coastal Zone Overlay – Floodplain Overlay) to conform to the existing General Plan designation of P (Public); and
 - d. \pm 28 acre Edison tank site from IG-O-CZ-FP2 (General Industrial – Oil Production Overlay – Coastal Zone Overlay – Floodplain Overlay) to PS-O-CZ-FP2 (Public-Semipublic – Oil Production Overlay – Coastal Zone Overlay - Floodplain Overlay) and from IL-CZ-FP2 (Limited Industrial – Coastal Zone Overlay – Floodplain Overlay) to PS-CZ-FP2 (Public-Semipublic – Coastal Zone Overlay – Floodplain Overlay) to conform to the existing General Plan designation of P (Public)

is consistent with goals, policies, and objectives of the General Plan because it supports development in accordance with the land uses depicted in the Land Use Plan Map. It will also further goals, policies, and objectives that pertain to achievement and maintenance of a variety of land uses that support the religious, educational, and institutional needs of residents and businesses in Huntington Beach.
2. In the case of a general land use provision, the zoning map amendment is compatible with the uses authorized in and the standards prescribed for the zoning district for which it is proposed. This amendment would change the land use designation rather than a general land use provision. Future development will be compatible with the development standards.
3. A community need is demonstrated for the change proposed. With the adoption of the General Plan in 1996, the community as a whole determined a need to modify land use designations to accurately reflect the use on a property. The Zoning Map Amendment will allow the zoning designations on the subject properties to conform to the General Plan. It will also permit the existing uses on the subject site to continue to provide services which have been offered to residents and businesses in the community.
4. Its adoption will be in conformity with public convenience, general welfare and good zoning practice. The subject sites are presently designated on the General Plan; the proposed rezoning action will bring each site into conformity with the current General Plan designation.

5. The City Council finds that Zoning Map Amendment No. 02-02 is covered within the scope of Environmental Impact Report No. 94-1 prepared for the 1996 General Plan update which was certified by the City Council on May 13, 1996 and that no further environmental review is required.

FINDINGS FOR APPROVAL – LOCAL COASTAL PROGRAM AMENDMENT NO. 02-03:

1. Local Coastal Program Amendment No. 02-03 to the Huntington Beach Local Coastal Program in accordance with Zoning Map Amendment No. 02-02 for Subareas C (AES Generating Station) and D (Edison Tanks) is consistent with the General Plan designations.
2. Local Coastal Program Amendment No. 02-03 is in accordance with the policies, standards and provisions of the California Coastal Act because it will allow the zoning designations of the Subareas C and D to be consistent with the land use plan in the certified Coastal Element.
3. The development conforms to the public access and public recreation policies of Chapter 3 of the California Coastal Act because the request is only a Zoning Map Amendment which does not impact public access and public recreational opportunities.

(City Council) Public Hearing Held – Approved Introduction of Ordinance No. 3595 (Amending Chapter 234 of the HB Zoning & Subdivision Code) Relating to Zoning Text Amendment No. 01-03 (Mobilehome Park Conversion) - Considered Appeal Filed by Councilmember Ralph Bauer of the Planning Commission's Decision - Directed City Attorney to Provide Legal Analysis of Mobilehome Fair Market Value and Return to Mobile Home Advisory Board to Take to Planning Commission at a Later Date (450.20)

Mayor Cook announced that this was the time scheduled for a public hearing to consider the following:

Applicant: City of Huntington Beach.

Appellant: Councilmember Ralph Bauer.

Request: Zoning Text Amendment (ZTA): To amend Chapter 234 Mobilehome Park Conversions of the Zoning Huntington Beach Zoning and subdivision Ordinance to bring the ordinance into compliance with State Law and add fair market value language for mobilehome purchases.

Location: Citywide.

Environmental Status: Notice is hereby given that Zoning Text amendment No. 01-03 is categorically exempt from the provisions of the California Environmental Quality Act.

Communication from John Sisker dated November 15, 2002 expressing concern regarding the city's maintenance of the existing percentage of affordable housing.

Legal notice as provided to the City Clerk's Office by staff had been published and posted.

Councilmember Bauer informed Council of the background concerning the mobilehome conversion process. Councilmember Bauer stated that some relationship with fair market value needs to be established and that he would like the Mobilehome Advisory Board to review this issue and present its recommendation to Council.

Councilmember Green received clarification from Councilmember Bauer regarding the Staff and Planning Commission's recommended actions.

Mayor Cook declared the public hearing open.

Subsequent to announcing that there are no public speakers, Assistant City Clerk Liz Ehrling restated for the record the following Late Communications which pertain to this public hearing:

Communication dated November 15, 2002 from John Sisker expressing concern regarding the city's maintenance of the existing percentage of affordable housing.

Communication received November 16, 2002 from John Sisker expressing that the city should require an Environmental Impact Report and provide relocation assistance to residents.

Slide show presentation received November 18, 2002 from the Planning Department titled *Appeal of Zoning Text Amendment No. 01-03 (Mobilehome Park Conversions)*.

As there were no persons present to speak on the matter and there were no protests filed, either written or oral, the Mayor declared the public hearing closed.

Councilmember Winchell received clarification from Planning Director Howard Zelefsky that if adopted, Ordinance 3595 would bring the city code in conformance with state code.

A motion was made by Winchell, second Green to approve Zoning Text Amendment No. 01-03 with Findings for Approval (Attachment No. 4*) **(See immediately following item in this set of minutes)**

and

After the City Clerk reads by title, approve by roll call vote, **Ordinance No. 3595** - "*An Ordinance of the City of Huntington Beach Amending Chapter 234 of the Huntington Beach Zoning and Subdivision Ordinance Regarding Mobilehome Park Conversions*" that brings the ordinance into conformance with State law.

and

Direct the City Attorney to provide legal analysis of Mobilehome Fair Market Value and return to the Mobile Home Advisory Board to take to the Planning Commission at a later date.

The motion carried by the following roll call vote:

AYES:	Green, Dettloff, Boardman, Cook, Houchen, Winchell, Bauer
NOES:	None
ABSENT:	None

SUGGESTED FINDINGS OF APPROVAL

SUGGESTED FINDINGS OF APPROVAL FOR ZONING TEXT AMENDMENT NO. 01-03:

1. Zoning Text Amendment No. 01-03 to amend two sections of Chapter 234 of the Zoning and Subdivision Ordinance is consistent with the objectives, policies, general land uses and programs specified in the General Plan and any applicable specific plan as it incorporates the most current State changes to the code.
2. In the case of a general land use provision, the zoning text amendment is compatible with the uses authorized in, and the standards prescribed for, the zoning district for which it is proposed. The amendment represents two minor changes that do not affect the overall intent of the ZSO with respect to Chapter 234.
3. A community need is demonstrated for the change proposed to ensure that proposed conversions are consistent with State law.
4. Its adoption will be in conformity with public convenience, general welfare and good zoning practice because the amendment brings the code in compliance with the California Government Code.

Consent Calendar – Items Removed for Separate Discussion

The following items were removed from the Consent Calendar for separate discussion:

(City Council) Recommendations Made by the Intergovernmental Relations Committee on the List of Projects to Receive the Highest Level of Focus for Funding Efforts by the City's State and Federal Lobbyists during the 2002 Legislative Session (640.90)

(City Council) Grant Award Agreement between the City and the California Energy Commission (CEC) to Install Traffic Signal Battery Backup Systems – Staff to (1) Prepare Contract Bid Documents; (2) Advertise for Bid; and (3) Purchase and Install at the 62 Highest Priority Locations (600.20)

(City Council) Resolution No. 2002-123 Revising Local Coastal Program Amendment No. 96-4 (Parkside Estates Residential Project, w/o Graham Street, s/o Kenilworth Drive) and Requesting Certification by the California Coastal Commission (440.50)

Consent Calendar – Items Approved

On motion by Green, second Boardman Council approved the following Consent Calendar items, as recommended. The motion carried by the following roll call vote:

AYES: Green, Dettloff, Boardman, Cook, Houchen, Winchell, Bauer
NOES: None
ABSENT: None

(City Council/Redevelopment Agency) Minutes - Approved and adopted the minutes of the City Council/Redevelopment Agency Regular Meetings of September 16, 2002 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

(City Council) Adopted Resolution 2002-114 Regarding Additions and Modifications to the City's Classification Plan Amendment (Video Engineer, Park, Tree and Landscape Operations Manager, Water Operations Manager and Police Services Specialist) (700.10) – Adopted **Resolution No. 2002-114** – “A Resolution of the City Council of the City of Huntington Beach to Amend the Classification Plan by Adding and Modifying Classifications and Establishing Compensation in the City Classification Plan.” Submitted by the Administrative Services Director.

(City Council) Adopted Resolution No. 2002-115 to Consider the Fourth Level of 1959 Survivor Benefits California Public Employee's Retirement System (CALPERS) (Memorandum of Understanding for Huntington Beach Firefighter's Association for Contract Years October 2000- September 30, 2003) (600.20) – Adopted **Resolution No. 2002-115** – “A Resolution of the City Council of the City of Huntington Beach to Approve an Amendment to Contract between the Board of Administration California Public Employees' Retirement System and the City Council of the City of Huntington Beach.” Submitted by the Administrative Services Director. Funding Source: Employees contribute \$2.00 per month for this benefit. Due to excess assets in the Fourth Level pool, no employer contribution is required this fiscal year. If there were no excess assets, the normal employer cost would be \$7,680 per year.

(City Council/Redevelopment Agency) Approved Agency Resolution No. 341 of the Redevelopment Agency of the City of Huntington Beach Amending the Agency Debt Pursuant to the Operative Agreement between the City and the Redevelopment Agency for the Huntington Beach Redevelopment Project (600.30) Adopted **Agency Resolution No. 341** – “A Resolution of the Redevelopment Agency of the City of Huntington Beach Amending the Agency Debt Pursuant to the Operative Agreement between the City of Huntington Beach and the Redevelopment Agency of the City of Huntington Beach for the Huntington Beach Redevelopment Project.” Submitted by the Economic Development/Deputy Executive Director. Funding Source: Not applicable.

(City Council) Approved Three-Party Communications Site License Agreement between (1) the City; (2) Southern California Edison (SCE); and (3) Los Angeles SMSA Limited Partnership, dba Verizon Wireless to Install Wireless Equipment in an SCE Easement Area in Talbert Park (600.10) – Approved a three-party *Communications Site License Agreement* between the City of Huntington Beach, Southern California Edison, and the Los Angeles SMSA Limited Partnership DBA Verizon Wireless based on the attached terms and conditions, and authorized the Mayor and City Clerk to execute and process any and all documents necessary to conclude the transaction. Submitted by the Administrative Services Director and the Fire Chief. Funding Source: Not applicable.

(City Council) Approved Standard Agreement between the City and the State of California Department of Transportation for Purchase of Vans for the Senior Transportation Program – Approved Expenditure of Funds (600.20) – 1. Authorized the Mayor and City Clerk to execute the *Standard Agreement Contract No. 6401663* with the State of California, Department of Transportation for the purchase of vans for the Senior Transportation Program; and 2. Approved the expenditure of the 20 percent match of \$24,517 from the General Fund Designated Fund Balance Account #100.3130 for the purchase of vans for senior transportation. Submitted by the Acting Community Services Director. Funding Source: General Fund Designated Fund Balance Account - \$24,517.

(City Council) Approved Final Tract Map No. 15603 of Tentative Tract Map No. 15603 (Shea Vickers Development, LLC – 12 Numbered/2 Lettered-Lot Division) w/s of Stewart Street at Clay Avenue (420.60) – 1. Approved Final Tract Map No. 15603 and accepted the offer of dedication, improvements, and bonds pursuant to findings and requirements (ATTACHMENT NO. 1); **AND 2.** Approved the *Subdivision Agreement between the City and Shea Vickers Development, LLC for Tract No. 15603* and authorize execution by the Mayor and City Clerk (ATTACHMENT NO. 6). **Attachment No. 1 – Findings for Acceptance of Final Map (1)** Final Tract Map No. 15603 is in conformance with the California Subdivision Map Act, the City of Huntington Beach Subdivision Ordinance and Tentative Tract Map No. 15603 Conditions of Approval, as approved by the City Council. **Requirements; (1.)** Acceptance of offer of dedication shall be subject to completion of improvements and requirements shown on the final map. **(2.)** The City Clerk shall file the following bonds with the City Treasurer: (a) Faithful Performance Bond No. SV9966 (Attachment No. 7); (b) Labor and Material Bond No. SV9966 (Attachment No. 7); (c) Monument Bond No. SV9965 (Attachment No. 7). **(3.)** The City Clerk shall affix her signature to the map and release it for recordation by the County of Orange. Submitted by the Planning Director. Funding Source: Not Applicable.

(City Council) Adopted Resolution No. 2002-116 for Temporary Closure of Various Local City Streets and Resolution No. 2002-117 for Temporary Closure of Pacific Coast Highway for the Operation of the Pacific Shoreline Marathon Run in 2003 (960.50) – 1. Adopted **Resolution No. 2002-116** – “A Resolution of the City Council of the City of Huntington Beach for the Temporary Closure of Portions of Goldenwest Street, Garfield Avenue, Edwards Street, Ellis Avenue, Talbert Avenue, Seapoint Street, Inlet Drive, Overlook Drive, Summit Drive, Varsity Drive, and Central Park Drive for the Pacific Shoreline Marathon Run;” and **2.** Adopted **Resolution No. 2002-117** - “A Resolution of the City Council of the City of Huntington Beach Requesting CalTrans Approve the Closing of Pacific Coast Highway for the Huntington Beach Pacific Shoreline Marathon Run.” Submitted by the Acting Community Services Director. Funding Source: \$17,500 - Specific Events Fund Account.

(City Council) Approved the Release of Securities for Tract No. 15531 and Accepted the Public Improvements – John Laing Homes, Developer – n/o Garfield Avenue, s/o Sea Gate Drive – Accepted Guarantee and Warranty Bond (Seaboard Surety Company) (420.60) – 1. Accepted the improvements constructed and dedicated for public use with Tract No. 15531; and **2.** Released Faithful Performance/Labor and Material Bond No. 361549 and Monument Bond No. 3361550 pursuant to California Government Code Section No. 66499.7; and **3.** Accepted Guarantee and Warranty Bond No. 361549, the security furnished for guarantee and warranty of improvements, and instructed the City Clerk to file the bond with the City Treasurer; and **4.** Instructed the City Clerk to notify the developer, John Laing Homes, of this action, and the City Treasurer to notify the Surety, **Seaboard Surety Company**, of this action; and **5.** Instructed the City Clerk to record the “*Notice of Acceptance of Public Improvements*” (attached) with the Orange County Recorder. Submitted by the Public Works Director. Funding Source: Not Applicable.

(City Council) Approved (1) Two Easement Deeds and (2) Maintenance Agreement between the City and the State of California for Pedestrian Overcrossing (POC) Purposes and Improvements at Pacific Coast Highway and the Hyatt Regency Hotel Site (600.20) – 1. Approved and authorized the Mayor and City Clerk to execute the *Easement Deed No. 12-ORA-1-KP38.7-102235-1* and *Easement Deed No. 12-ORA-1-KP38.7-102236-1* granting easements to the State of California for the purpose of a pedestrian overpass and improvements and facilities appurtenant thereto; and **2.** Approved and authorized the Mayor

and City Clerk to execute the *Maintenance Agreement* between the City of Huntington Beach and the State of California for the Pedestrian Overcrossing. Submitted by the Public Works Director. Funding Source: Not applicable.

(City Council) Adopted Resolution No. 2002-118 Authorizing Execution of Program Supplements for Hazard Elimination Safety (HES) Grant Projects: (1) MO16 (Pavement Markers; CC-1140 and (2) MO17 (Traffic Signal Modifications; CC-1128) for Various City Streets (600.20) – Adopted **Resolution No. 2002-118** – “A Resolution of the City Council of the City of Huntington Beach Authorizing the Mayor and City Clerk to Execute Program Supplement Nos. M016 and M017 to Agreement No. 12-5181 for the Installation of Pavement Markers on Various Streets within the City Limits, CC-1140; and for the Traffic Signal Modifications at the Intersections of Newland/Warner, Bolsa Chica/ Warner, Edwards/McFadden, Gothard/Slater, and Golden West/Palm, CC-1128.” Submitted by the Public Works Director. Funding Source: Not applicable.

(City Council/Redevelopment Agency) Approved Credit for Debt Repayment for Lot AA and Lot BB of Tentative Tract Map 15549 for Acquisition Costs of the Waterfront Hotel Parcel (600.30) – Approved the debt repayment of \$3,556,003 (principal and interest accrued as of October 2002) from the Redevelopment Agency to the City and any additional amount accrued to date for the Agency’s acquisition costs associated with Lots AA and BB of Tentative Tract Map 15549. Submitted by the Economic Development/Deputy Executive Director. Funding Source: No actual monetary cost; the amount of debt owned to the city by the Redevelopment Agency will be reduced.

(City Council) Approved Amendment No. 2 to the Reimbursement Agreement between the City and Shea Homes Limited Partnership in Connection with the Environmental Impact Report (EIR) No. 97-2 Relating to the Parkside Estates Project (600.10) – 1. Approved and authorized the Mayor and City Clerk to execute *Amendment No. 2 to Reimbursement Agreement between the City of Huntington Beach and Shea Homes Limited Partnership for Costs Incurred for Professional Planning Services in Connection with the Environmental Impact Report 97-2 Relating to the Parkside Estates Project*; and 2. Authorized acceptance of \$50,000 deposit funds and appropriate \$50,000 from the unappropriated, undesignated General Fund Balance into the Planning Operating Account for Contract Services (10060201.69365) in connection with the Reimbursement Agreement between the City and Shea Homes Limited Partnership to be utilized by the Department of Planning for environmental consulting services. Submitted by the Planning Director. Funding Source: Unappropriated, undesignated General Fund Balance in the amount of \$50,000.

(City Council) Approved Agreement between the City and the County of Orange to Provide \$50,000 Rapid Response/Workforce Investment Act Grant to the City for Employment and Training Activities and Services for Economically Disadvantaged and Dislocated Workers (600.25) – Approved and authorized the Mayor and City Clerk to execute the *WIA Cost Reimbursement Agreement* between the County of Orange and the City of Huntington beach for workforce investment activities to improve the quality of the community workforce and authorized the Director of Economic Development to execute all the appropriate certifications and exhibits that are attached to the agreement. Submitted by the Economic Development Director. Funding Source: No additional city funds required. This is a county grant from the Federal Workforce Investment Act funds.

(Redevelopment Agency) Received and Filed Second Amendment to the Office Space Lease between Abdelmuti Development Company and Martin Menichiello (Suite 360, Oceanview Promenade – Main Pier Redevelopment Project Subarea) (600.30) – Received and filed attached lease titled *Second Amendment to Office Space Lease* between Abdelmuti Development Company and Martin Menichiello for Suite 360 renewing the lease for three (3) years commencing January 1, 2003 at the rental rate of \$2.25 per square foot per month. Submitted by the Deputy Executive Director. Funding Source: Redevelopment Tax Increment.

(City Council) Approved Appointment of Sid Kuperberg to the Library Board of Trustees with a Term to Expire 6/30/03 (to Fill the Unexpired Term Held by Richard McGrath) (110.20) – Approved the appointment of Sid Kuperberg to fill the unexpired term held by Richard McGrath (7/1/99 – 6/30/03) to the Library Board of Trustees as recommended by the City Council Library Board Liaisons, Councilmembers Peter Green and Shirley Dettloff. Submitted by City Council Library Board Liaisons, Councilmembers Peter Green and Shirley Dettloff. Funding Source: Not applicable.

(City Council) Approved Recommendations Made by the Intergovernmental Relations Committee on the List of Projects to Receive the Highest Level of Focus for Funding Efforts by the City's State and Federal Lobbyists during the 2002 Legislative Session (640.90)

Councilmember Winchell requested that this agenda item be removed from the Consent Calendar to inquire regarding the placement of the neighborhood street repair item on the priority list.

Councilmember Dettloff responded on behalf of the Intergovernmental Relations Committee that the items were not listed in the order of priority. She stated that these are the items recommended by the Committee and that when funding becomes available on any project it will move forward.

A motion was made by Winchell, second Boardman to approve the projects as shown in the 2003 Funding Priorities List (Attachment 1) as those projects will be the focus of the City's funding efforts in the coming year. The motion carried by the following roll call vote:

AYES: Dettloff, Boardman, Cook, Houchen, Winchell, Bauer
 NOES: None
 ABSENT: None (Green out of room)

(City Council) Authorized Grant Award Agreement between the City and the California Energy Commission (CEC) to Install Traffic Signal Battery Backup Systems – Authorized Staff to (1) Prepare Contract Bid Documents; (2) Advertise for Bid; and (3) Purchase and Install at the 62 Highest Priority Locations (600.20)

Councilmember Bauer requested that this agenda item be removed from the Consent Calendar to give special recognition to the progress that is being made to install the signal battery backup systems at every major intersection.

A motion was made by Bauer, second Cook to **1.** Authorize the City Administrator to execute a grant award agreement with the California Energy Commission (CEC); and **2.** Authorize staff to prepare contract bid documents and advertise for bid, the purchase and installation of traffic

signal battery backup systems at the 62 highest priority locations; and **3.** Find that, because the funding for installation of traffic signal battery backup systems is a one-time allocation from the CEC, it is appropriate to limit the installations to the highest priority intersections in the city, due to unfounded, on-going maintenance and replacement obligations. (The project has a funding commitment of up to \$291,200 from the California Energy Commission (CEC) for 70 percent of the cost of equipment purchases. Grant funds will be appropriated at the time of project award.) The motion carried by the following roll call vote:

AYES: Dettloff, Cook, Houchen, Winchell, Bauer
NOES: None
ABSENT: None (Green and Boardman out of room)

(City Council) Adopted Resolution No. 2002-123 Revising Local Coastal Program Amendment No. 96-4 (Parkside Estates Residential Project, w/o Graham Street, S/o Kenilworth Drive) and Requested Certification by the California Coastal Commission (440.50)

Councilmember Dettloff requested that this agenda item be removed from the Consent Calendar to clarify any misunderstanding regarding Parkside Estates and the Coastal Commission process as was reported on by her previously. She stated the city is to submit the Local Coastal Program (LCP) amendment but the Coastal Commission has final approval. Councilmember Dettloff spoke regarding various issues that will be studied by the Coastal Commission including the appeal. She stated that the Coastal Commission biologist would determine if a new delineation is necessary.

Howard Zelefsky, Director of Planning, informed Council that the Coastal Commission asked for an amendment to include additional language to further clarify City Council Resolution No. 2002-101 relative to Local Coastal Program Amendment No. 96-4. He stated that this is what is being presented to Council tonight.

Director of Planning Zelefsky responded to Mayor Pro Tem Boardman's inquiry, stating that this Local Coastal Program amendment is for the remaining noncertified area of land.

A motion was made by Dettloff, second Bauer to:

Adopt Resolution No. 2002-123 - "A Resolution of the City Council of the City of Huntington Beach Adopting Local Coastal Program Amendment No. 96-4 to Amend the Local Coastal Program Land Use Plan and Implementing Ordinances to Reflect General Plan Amendment No. 98-1 and Zoning Map Amendment Nos. 96-5A and 96-5B by Amending Zone 2 – Land Use Plan and Accompanying Text of the City's Coastal element for the Real Property Generally Located on the West Side of Graham Street, South of Kenilworth Drive and Requesting Certification by the California Coastal Commission."

The motion carried by the following roll call vote:

AYES: Green, Dettloff, Houchen, Bauer
NOES: Boardman, Cook, Winchell
ABSENT: None

(City Council) Continued from November 6, 2002 – Approved as Amended Implementation Strategy of the Downtown Specific Plan/Parking Master in Lieu Fee Program Including CIM Development of a Subterranean Parking Structure - The Strand Project (Blocks 104/105); and a Surface Parking Lot at First Street and Atlanta Avenue - Directed Staff to Evaluate Existing Parking Spaces (340.20)

The City Council considered a communication from the Planning Director and the Economic Development/Deputy Executive Director requesting City Council direction on the use of the fees and future of the program.

Planning Director Howard Zelefsky presented a Powerpoint slide show titled *Use of Parking In-Lieu Fees, Downtown Parking Master Plan* that had been announced earlier by Assistant City Clerk Liz Ehring as a Late Communication.

Mayor Pro Tem Boardman received confirmation from staff that it would cost approximately \$340,000 to purchase 26 parking spaces from the CIM Developers building a subterranean parking structure as part of the proposed project, The Strand. She also received confirmation from Planning Director Zelefsky that the city owns the First Street and Atlanta Avenue lot which would provide approximately 30 parking spaces but that the Coastal Commission would have to amend the boundaries prior to improving this area. Planning Director Zelefsky stated that the main goal is to provide as many parking spaces as possible with little delay.

City Administrator Ray Silver informed Council that action on the CIM parking structure is time-sensitive if the city wants to negotiate for the 26 parking spaces.

Each Councilmember stated their positions concerning the four proposed strategies relative to the Parking in Lieu Fee Program.

A discussion was held regarding the recommended action as set forth in the staff report, which resulted in taking no action to direct staff to implement the acquisition of land in the Downtown Parking Master Plan boundary for purposes of land banking for future parking opportunities and amending the recommendation to direct staff to investigate providing additional on-street parking by restriping and/or reorienting existing parking spaces by deleting and/or closing existing driveways.

A motion was made by Winchell, second Bauer to increase by approximately 26 spaces the capacity of the subterranean parking structure proposed as part of The Strand project (Blocks 104/105) by negotiating with CIM developers. The motion carried by the following roll call vote:

AYES: Green, Dettloff, Boardman, Cook, Houchen, Winchell, Bauer
NOES: None
ABSENT: None

A motion was made by Winchell, second Bauer to direct staff to amend the Downtown Specific Plan/Parking Master Plan to allow for the development of a surface parking lot at First Street and Atlanta Avenue. The motion carried by the following roll call vote:

AYES: Green, Boardman, Cook, Houchen, Winchell, Bauer
NOES: Dettloff
ABSENT: None

A motion was made by Winchell, second Bauer to direct staff to investigate providing additional on-street parking by restriping and/or reorienting existing parking spaces **as amended** (as outlined in the above discussion). The motion carried by the following roll call vote:

AYES: Green, Dettloff, Boardman, Winchell, Bauer
NOES: Cook, Houchen
ABSENT: None

(City Council) Adopted 2002 Water Quality Element Framework and Directed Staff to Return in Mid-2003 with Complete Citywide Urban Runoff Management Plan (CURMP) Including Drainage and Flood Study Elements (1000.90)

The City Council considered a communication from the Public Works Director informing Council that the 2002 Water Quality Element Framework of the Citywide Urban Runoff Management Plan has been completed. Adoption by the City Council is necessary to validate components of the element and provide direction to staff for continuing development of the final Citywide Urban Runoff Management Plan (CURMP).

City Engineer David Webb and CDM (Camp, Dresser & McKee) Consultant Don Schroeder presented a PowerPoint slide show titled *City Council Meeting, November 18, 2002*, which had been announced earlier by the Assistant City Clerk Liz Ehrling as a Late Communication.

City Engineer Webb introduced Gary Brown Executive Director Orange County Coastkeeper.

Mr. Brown thanked the city staff, Mayor Cook, and Councilmembers Dettloff and Bauer for working on these very complicated issues. He informed Council that the Citywide Urban Runoff Management Plan (CURMP) is the framework necessary to accomplish good water quality.

Mr. Brown stated that this plan has flexibility, which takes into consideration new technological advances in the future to further improve the water quality. In conclusion he asked Council for their support.

City Engineer Webb stated that this plan is unique to the state of California. He informed Council that Public Works Environmental Engineer Geraldine Lucas applied for and received a grant from Proposition 13 and will be working with Project Greenworks regarding boating educational materials.

Councilmember Dettloff thanked staff and members of the committee for their hard work in bringing this item forward. She stated that water quality is a major problem and that she is very pleased with this report and the city's focus on methods used to continually improve water quality.

Councilmember Dettloff stated that the city must move forward in keeping our coast and good water quality a focus; poor water quality would have a negative impact on tourism. Councilmember Dettloff expressed her belief that water quality is not just a coastal problem and the city needs to encourage inland cities that they also have a responsibility for improving water quality.

Councilmember Bauer asked staff what the timetable is for the installation of the CDS (construct planned hydrodynamic separator treatment) units and how they will be funded.

City Engineer Webb responded that the CDS units are being designed and the funding is from Proposition 13.

Councilmember Bauer received clarification from City Engineer Webb regarding 1) county participation regarding the more sophisticated booms; 2) priority list and cost of this plan; 3) engaging upstream cities to get involved with these projects to improve water quality; 4) the county's responsibility regarding the flow of solid material into Huntington Harbour; 5) diversion options; 6) feasibility to require older facilities (restaurants) to install grease traps; and 7) possibility to convert urban runoff to potable water.

City Engineer Webb stated that the city is working with the Water Quality Control Board and the Orange County Sanitation District to contribute in this plan and to promote inland city involvement and general public awareness. He stated that staff is continually pursuing diversion options and looking into alternative water treatments.

City Administrator Silver informed Council that Supervisor Jim Silva, Vice-Chair of the Orange County Board of Supervisors, requested to meet with our city regarding these issues.

A motion was made by Dettloff, second Bauer to:

1. Adopt the *Citywide Urban Runoff Management Plan - 2002 Water Quality Element Framework*;

and

2. Direct staff to complete the Citywide Urban Runoff Management Plan, including further refinements of the Water Quality Element (incorporating drainage and flood study elements, monitoring and sampling data, related ordinances and standards), and completion of the Drainage Element;

and

3. Direct staff to return with the complete Citywide Urban Runoff Management Plan to the City Council for adoption by mid-2003.

The motion carried by the following roll call vote:

AYES: Green, Dettloff, Boardman, Cook, Houchen, Winchell, Bauer
 NOES: None
 ABSENT: None

(City Council) Adopted Resolution No. 2002-120 Modifying Certain Salary and Benefits for the Elected City Attorney (700.90)

The City Council considered a communication from the City Attorney requesting Council approval of **Resolution No. 2002-120** which authorizes the salary and benefits for the City Attorney to be modified to be the same as proposed for the Non-Represented Employees.

City Attorney Gail Hutton presented an oral report stating that adoption of a resolution is necessary relative to the City Attorney who will assume office on December 2, 2002.

A motion was made by Bauer, second Cook to adopt **Resolution No. 2002-120** – “A Resolution of the City Council of the City of Huntington Beach Modifying Salary and Benefits for Calendar Year 2003 for the City Attorney.” The motion carried by the following roll call vote:

AYES: Dettloff, Boardman, Cook, Houchen, Winchell, Bauer
 NOES: None
 ABSENT: None (Green out of room)

(City Council) Approved as Amended by Late Communication to Reflect Balanced Budget – the City Administrator’s 2001-2002 Annual Report (A Companion to the Strategic Plan and Budget Containing Capital Improvement Information) (100.10)

The City Council considered a communication from the City Administrator requesting City Council review, comment, and adoption of the 2001-2002 Annual Report. A companion to the Strategic Plan and Budget, the Annual Report contains highlights of some of the city’s major accomplishments from Fiscal Year 2001-02, an update on the Strategic Plan, and information about the 2002-03 Budget and Capital Improvement Program.

Principal Administrative Analyst Peter Grant presented a PowerPoint report titled *Huntington Beach 2001-02 Annual Report* that was included in the agenda packet. He stated that the purpose of this report is to share accomplishments and goals with residents and the progress the city is making toward the goals. Principal Administrative Analyst Grant stated that page F-4.6 of the agenda packet should be corrected to reflect a \$49.3 million dollar balanced city budget.

A motion was made by Green, second Bauer to approve the *2001-2002 Annual Report as amended* to reflect page F-4.6 to show \$49.3 million dollar balanced budget. The motion carried by the following roll call vote:

AYES: Green, Dettloff, Boardman, Cook, Houchen, Winchell, Bauer
NOES: None
ABSENT: None

(City Council) Adopted Resolution No. 2002-122 Approving the Memorandum of Understanding between the City and the Huntington Beach Fire Management Association for December 21, 2002 through December 19, 2003 (720.20)

The City Council considered a communication from the City Administrator requesting Council adoption of the Memorandum of Understanding between the city and the Huntington Beach Fire Management Association for the period covering December 21, 2002 through December 19, 2003.

Assistant City Administrator William Workman summarized the Memorandum of Understanding regarding 1) three percent salary increase; 2) employees will share in the cost for 2003 medical, dental and vision insurance; and 3) pre-retirement death benefits for survivors.

Mayor Pro Tem Boardman stated that she is in opposition to the three percent salary increase because of the current budget and state cutbacks.

A motion was made by Green, second Dettloff to adopt **Resolution No. 2002-122 – “A Resolution of the City Council of the City of Huntington Beach Approving and Implementing the Memorandum of Understanding between the Huntington Beach Fire Management (FMA and the City of Huntington Beach for 12/21/02 through 12/19/03.”** The motion carried by the following roll call vote:

AYES: Green, Dettloff, Cook, Houchen, Winchell, Bauer
NOES: Boardman
ABSENT: None

(City Council) Adopted Ordinance No. 3586 Amending the Huntington Beach Municipal Code by Adding Chapter 7.14 Prohibiting Performances of Wild and Exotic Animals for Public Entertainment or Amusement and Restricting the Display of Wild and Exotic Animals (640.10)

After Assistant City Clerk Liz Ehring read by title, a motion was made by Green, second Houchen to adopt **Ordinance No. 3586** – *“An Ordinance of the City of Huntington Beach Adding Chapter 7.14 to the Huntington Beach Municipal Code Prohibiting the Performances of Wild and Exotic Animals for Public Entertainment or Amusement and Restricting the Display of Wild and Exotic Animals.”* Submitted by the City Attorney. (Approved for introduction 11/6/02.) The motion carried by the following roll call vote:

AYES: Green, Dettloff, Boardman, Cook, Houchen, Winchell
 NOES: Bauer
 ABSENT: None

Mayor Pro Tem Boardman received clarification that this ordinance does not prohibit the use of wild and exotic animals for educational purposes.

(City Council) Approved Adoption of Emergency Ordinance No.3593 Repealing Chapter 9.07 of the Huntington Beach Municipal Code – Repeals Ordinance 3578 which Prohibited Aerial Advertising (Banner Towing Aircraft) (640.10)

After Assistant City Clerk Liz Ehring read by title, a motion was made by Green, second Dettloff to adopt Emergency **Ordinance No. 3593** - *“An Emergency Ordinance of the City of Huntington Beach Repealing Chapter 9.07 of the Huntington Beach Municipal Code which Prohibited Aerial Advertising,”* which repeals Ordinance No. 3578. The motion carried by the following roll call vote:

AYES: Green, Dettloff, Boardman, Cook, Houchen, Winchell, Bauer
 NOES: None
 ABSENT: None

(City Council) Approved Zoning Text Amendment No. 02-05 - Adopted Emergency Interim Ordinance No. 3594 Amending Section 230.20 of the Huntington Beach Zoning and Subdivision Ordinance (ZSO) – Adopted Resolution No. 2002-121 Establishing Parkland and Recreation In-Lieu Fees (Including Fees Relating to Section 254.08 of the ZSO - Quimby Fee) – Amended by Late Communication to Direct Staff to Advertise Pursuant to State Law and Place on December 16, 2002 Agenda for Final Adoption (450.20)

The City Council considered a communication from the Planning Director requesting Council approval of an emergency ordinance and resolution pertaining to the payment of Parkland In-Lieu Fees for new commercial and industrial development, and new residential development not covered under Section 254.08 (Quimby Fee) of the Huntington Beach Zoning and Subdivision Ordinance.

Special Projects Manager Ron Hagan gave a slide show presentation detailing Zoning Text Amendment No. 02-05 - Adopt Emergency Interim Ordinance No. 3594 Amending Section 230.20 of the Huntington Beach Zoning and Subdivision Ordinance (ZSO) – Adopt Resolution No. 2002-121 Establishing Parkland and Recreation In-Lieu Fees (Including Fees Relating to Section 254.09 of the ZSO - Quimby Fee) which was announced as a Late Communication earlier by Assistant City Clerk Liz Ehring.

Special Projects Manager Hagan presented staff recommendations with the addition of a fourth recommendation to direct staff to advertise the Emergency Ordinance pursuant to state law and place on the December 16, 2002 Council agenda for final adoption.

Councilmember Winchell inquired if staff had examined the Addendum from the Pulse Marketing Study.

Special Projects Manager Hagan responded that this new fee is applied on a citywide basis and the overall effect will average an additional \$350,000 to \$375,000 annually.

A motion was made by Green, second Bauer to:

1. Approve Zoning Text Amendment No. 02-05 with findings for approval (Attachment No. 1*)
– **(See immediately following item in this set of minutes);**

and

2. After the City Clerk reads by title, approve by roll call vote, adoption of **Emergency Interim Ordinance No. 3594** – *“An Emergency Ordinance of the City of Huntington Beach Amending Chapter 230 of the Huntington Beach Zoning and Subdivision Ordinance”* (Attachment No. 2);

and

3. Adopt **Resolution No. 2002-121** – *“A Resolution of the City Council of the City of Huntington Beach Relating to the Payment of a Park Fee Pursuant to Section 230.20 of the Huntington Beach Zoning and Subdivision Ordinance.”*

and

4. **As amended** by Late Communication from the Community Service Department to direct staff to advertise the Emergency Ordinance pursuant to State Law and place on December 16, 2002 Council Agenda for final adoption.

The motion carried by the following roll call vote:

AYES: Green, Dettloff, Boardman, Cook, Houchen, Winchell, Bauer
NOES: None
ABSENT: None

ATTACHMENT NO. 1*

FINDINGS FOR APPROVAL - ZONING TEXT AMENDMENT NO. 02-05

FINDINGS FOR APPROVAL - ZONING TEXT AMENDMENT NO. 02-05:

1. Zoning Text Amendment No. 02-05 amending Section 230.20 of the Huntington Beach Zoning and Subdivision Ordinance (ZSO) establishing park land in-lieu fees for commercial and industrial development and residential development not covered under Chapter 254 of the ZSO is consistent with the objectives, policies, general land uses and programs specified in the

General Plan and any applicable specific plan. The revised ordinance will allow the City to collect fees necessary to acquire and improve park and recreational facilities throughout the City consistent with the goals and policies of the General Plan.

1. The change proposed is compatible with the uses authorized in, and the standards prescribed for, the zoning districts for which it is proposed. The revised ordinance will apply to proposals for new commercial and industrial development and residential development not covered under Chapter 254 of the ZSO. The ordinance will not create any inconsistencies with other provisions in the Zoning and Subdivision Ordinance because it will only apply to fees for park and recreation facilities.
2. A community need is demonstrated for the change proposed. Based on the information and data collected and analyzed in the Park Strategy and Fee Nexus Study dated December 2001, and the Addendum dated September 2002, the new fees will provide revenue for the development and rehabilitation of the City's parks and recreational facilities.
3. The adoption will be in conformity with public convenience, general welfare and good zoning practice. The ordinance will result in the City's attempt to provide sufficient recreational opportunities for its residents and visitors consistent with the goals and policies of the General Plan.

(City Council) Approved Introduction of Ordinance No. 3591 Amending Chapter 2.111 of the Huntington Beach Municipal Code Relating to the Duties of the Public Works Commission - Adopted Resolution No. 2002-119 Authorizing the Director of Public Works to Approve Revised Construction Contract Change Orders (Repeals Resolution No. 6056) (640.10/ 600.05)

The City Council considered a communication from the Public Works Director requesting Council approval of a revised construction contract change order resolution to implement a more practical procedure and to reflect the current cost of projects. The duties of the Public Works Commission require modification by ordinance to include recently adopted chapters of the Huntington Beach Municipal Code.

Director of Public Works Robert Beardsley informed Council that the resolution will allow for the standard ten percent contract change order adjustment and this ordinance brings into compliance the Public Works Commission duties.

Mayor Pro Tem Boardman requested that the resolution and ordinance be voted on separately, voicing her concerns that the resolution could lead to more cost overruns.

A motion was made by Winchell, second Green to:

After the City Clerk reads by title, approve by roll call vote, introduction of **Ordinance No. 3591** – *“An Ordinance of the City of Huntington Beach Amending Chapter 2.111 of the Huntington Beach Municipal Code Relating to the Duties of the Public Works Commission.”* The motion carried by the following roll call vote:

AYES:	Green, Dettloff, Boardman, Cook, Houchen, Winchell, Bauer
NOES:	None
ABSENT:	None

Mayor Cook concurred with Mayor Pro Tem Boardman's concern regarding cost overruns and contingencies.

Director of Public Works Beardsley informed Council that the contingency amount is already included in the contracts and that the procedure would not be changing.

A motion was made by Houchen, second Green to:

Adopt **Resolution No. 2002-119** – *“A Resolution of the City Council of the City of Huntington Beach Authorizing the Director of Public Works to Approve Contract Change Orders.”* The motion carried by the following roll call vote:

AYES: Green, Dettloff, Boardman, Cook, Houchen, Winchell, Bauer
NOES: None
ABSENT: None

(City Council) Approved Introduction of Ordinance No. 3592 Amending Chapter 14.08.010 of the Huntington Beach Municipal Code Relating to the Service Connections for Water (640.10)

The City Council considered a communication from the City Treasurer and the Public Works Director requesting amendment of Ordinance 14.08.010 entitled “Service Connections Applications Form of the City of Huntington Beach Municipal Code” to reflect the changes in the water application process resulting from the upcoming implementation of the new utility billing system.

City Treasurer Shari Freidenrich informed Council that this ordinance would accommodate taking electronic applications over the phone for water service connections.

After Assistant City Clerk Liz Ehring read by title, a motion was made by Houchen, second Green to approve introduction of **Ordinance No. 3592** – *“An Ordinance of the City of Huntington Beach Amending Chapter 14.08 of the Huntington Beach Municipal Code Relating to Service Connections.”* The motion carried by the following roll call vote:

AYES: Green, Dettloff, Boardman, Cook, Houchen, Winchell, Bauer
NOES: None
ABSENT: None

Councilmember Bauer expressed his appreciation for working with the citizens of Huntington Beach.

City Attorney Gail Hutton stated that she has enjoyed working with the councilmembers and staff throughout her 24 years representing the city.

Mayor Cook recessed the regular meeting of the City Council of the City of Huntington Beach to Wednesday, November 20, 2002 at 6:45 p.m. in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, CA to meet jointly with the City Personnel Commission and adjourned the Redevelopment Agency meeting of the City of Huntington Beach to Monday, December 2, 2002, at 6:00 p.m., in Room B-8 Civic Center, 2000 Main Street, Huntington Beach, California.

City Clerk and ex-officio Clerk of the City
Council of the City of Huntington Beach
and Clerk of the Redevelopment Agency
of the City of Huntington Beach, California

ATTEST:

City Clerk-Clerk

Mayor-Chairman